

### **REMARKS**

Applicant respectfully requests entry and consideration of the above amendments even though presented after a final rejection. Applicant submits that the amendments do not raise new issues or require a new search. Further, entry and consideration of the amendments may isolate issues for potential allowance or appeal. The amendments were not presented earlier in the prosecution due to a better understanding of the Examiner's position as reflected in the latest Office Action.

#### **Summary**

Claims 1, 3-8, 10-15 and 17-20 stand in this application. Claims 2, 9 and 16 have been canceled. Claims 1, 5 and 13 are currently amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested

#### **Examiner Interview**

Applicants would like to thank Examiner Pollack for conducting a telephone interview with Applicants' representative on August 16, 2007. During the interview, Examiner Pollack and Applicants' representative discussed the independent claims, the applied reference(s), and the grounds of rejection. The substance of the interview is reflected by the foregoing amendments and the following remarks.

**35 U.S.C. § 112**

Claims 1, 3-8, 10-15 and 17-20 have been rejected under 35 U.S.C. § 112 for not particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention. Applicant respectfully traverses the rejection based on the above amendments. These claims have been amended in accordance with the Office Action, and removal of this rejection is respectfully requested. Applicant further submits that the above amendments are made to overcome a § 112 rejection and are not made to overcome the cited references. Accordingly, these amendments should not be construed in a limiting manner.

**35 U.S.C. § 103**

At page 4, paragraph 10 claims 1, 3-8, 10-15 and 17-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Leerssen et al., U.S. Patent No. 7,032,243 (hereinafter "Leerssen") in view of Burton et al., U.S. Patent No. 7,130,880 (hereinafter "Burton"). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

The Office Action has failed to meet its burden of establishing a *prima facie* case of obviousness. According to MPEP § 2143, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. The teaching

or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

As recited above, to form a *prima facie* case of obviousness under 35 U.S.C § 103(a) the cited references, when combined, must teach or suggest every element of the claim. See MPEP § 2143.03, for example. Applicant respectfully submits that the Office Action has not established a *prima facie* case of obviousness because the cited references, taken alone or in combination, fail to teach or suggest every element recited in claims 1, 3-8, 10-15 and 17-20. Therefore claims 1, 3-8, 10-15 and 17-20 define over Leerssen and Burton whether taken alone or in combination. For example, claim 1 recites the following language, in relevant part:

- reading, by the mobile device, a first network identifier associated with the first network environment and a port;
- determining, by the mobile device, whether the first network identifier satisfies a first access requirement stored locally at the mobile device;
- obtaining a user name and password associated with a particular user of the first network;
- reading, by the mobile device, a second access requirement stored locally at the mobile device;
- determining, by the mobile device, if the user name and password satisfies the second access requirement before allowing access to the first resource; and
- allowing access to the first resource if the first network identifier satisfies the first access requirement and the user name and password satisfies the second access requirement.

According to the Office Action, the above-recited language is disclosed by Leerssen at Col. 5-10. Applicant respectfully disagrees.

Applicant respectfully submits that Leerssen fails to disclose the language of the claimed subject matter. For example, Leerssen at the given cite, in relevant part, states:

The session filter module (SFM) 110 is responsible for assigning and maintaining attributes on network endpoints, as well as controlling access between endpoints during local-to-local communication. The attributes associated with a network endpoint consist of a primary group identifier associated with the process, as well as a supplemental group list, when the endpoint is created. When packets are sent between local endpoints, the receiving endpoint compares its attributes with its peer endpoints attributes. A satisfactory attribute comparison allows the data to be delivered, whereas a failed comparison causes the data transfer to be aborted.

Leersson Col. 9, lines 25-36. Leersson arguably discloses the controlling of access given -to various processes that are running during a local-to-local connection of multiple endpoints. Leerssen, however, fails to show "reading, by the mobile device, a first network identifier associated with the first network environment and a port; determining, by the mobile device, whether the first network identifier satisfies a first access requirement stored locally at the mobile device; obtaining a user name and password associated with a particular user of the first network; reading, by the mobile device, a second access requirement stored locally at the mobile device; determining, by the mobile device, if the user name and password satisfies the second access requirement before allowing access to the first resource; and allowing access to the first resource if the first network identifier satisfies the first access requirement and the user name and password satisfies the second access requirement." The group identifier disclosed by Leerssen is clearly different than the network identifier disclosed by claim 1. Moreover, Leerssen does not disclose the authentication using a network identifier, user name, and password to gain access to a first resource on a mobile device. Therefore, Leerssen fails to disclose, teach or suggest the language of claim 1. Further, Applicant respectfully submits that the language of claim 1 is not disclosed or suggested by Burton.

Consequently, Leerssen and Burton, whether taken alone or in combination, fail to disclose, teach or suggest every element recited in claims 1.

Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See* MPEP § 2143.03, for example. Accordingly, removal of the obviousness rejection with respect to claims 3 and 4 is respectfully requested. Claims 3 and 4 are also non-obvious and patentable over Leerssen and Burton, whether taken alone or in combination, at least on the basis of their dependency from claims 1. Applicant, therefore, respectfully requests the removal of the obviousness rejection with respect to these dependent claims.

Claims 5 and 13 contain features similar to those recited in claim 1. Therefore, Applicant respectfully submits that claims 5 and 13 are non-obvious and are patentable over Leerssen and Burton, whether taken alone or in combination, for reasons analogous to those presented with respect to claim 1. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claims 5 and 13. Furthermore, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claims 6-8, 10-12, 14, 15 and 17-20 that depend from claims 5 and 13, and therefore contain additional features that further distinguish these claims from Leerssen and Burton, whether taken alone or in combination.

### **Conclusion**

For at least the above reasons, Applicant submits that claims 1, 3-8, 10-15 and 17-20 recite novel features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized

by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1, 3-8, 10-15 and 17-20 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

Appl. No. 09/917,320  
Response Dated August 17, 2007  
Reply to Office Action of May 24, 2007

Docket No.: 1020.P10999  
Examiner: Pollack, Melvin H.  
TC/A.U. 2145

The Examiner is invited to contact the undersigned at 724-933-9338 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to the credit card in the previously filed credit card authorization form.

Respectfully submitted,

KACVINSKY LLC

/John F. Kacvinsky/

John F. Kacvinsky, Reg. No. 40,040  
Under 37 CFR 1.34(a)

Dated: August 20, 2007

KACVINSKY LLC  
C/O Intellevate  
P.O. Box 52050  
Minneapolis, MN 55402  
(724) 933-5529